

**FLATHEAD COUNTY PLANNING BOARD  
MINUTES OF THE MEETING  
AUGUST 14, 2019**

<b>CALL TO ORDER</b> <b>6:00 PM</b>	A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. at South Campus Building, 40 11 <sup>th</sup> Street W, Ste. 200, Kalispell, Montana. Board members present were Dean Sirucek, Greg Stevens, Sandra Nogal, Jeff Larsen, Ron Schlegel, Jim Thompson, and Elliot Adams. Mike Horn and Kevin Lake had an excused absence. Donna Valade, Rachel Ezell, and Mark Mussman represented the Flathead County Planning & Zoning Office.  There were 35 members of the public in attendance.
<b>APPROVAL OF MEETING MINUTES</b> <b>6:01 PM</b>	Sirucek made a motion, seconded by Schlegel, to approve the July 10, 2019 meeting minutes.  Motion passed on a 6-0 roll call vote. Nogal abstained.
<b>PUBLIC COMMENT</b> <i>(Public matters that are within the jurisdiction of the Board 2-3-103 M.C.A)</i> <b>6:02 PM</b>	None
<b>DISCLOSURE OF ANY CONFLICT OF INTERESTS</b> <b>6:02 PM</b>	Larsen disclosed that he would be stepping down on item #2. of the agenda, PISK ZONE CHANGE (FZC-19-12), as he assisted the applicant with the file.
<b>FRANCOM ZONE CHANGE (FZC-19-11)</b> <b>6:02 PM</b>	A zone change request from Mark Francom for property in the Highway 93 North Zoning District. The proposal would change the zoning on property located at 153 Dancing Aspen Lane near Kalispell, MT from <i>SAG-10 (Suburban Agricultural)</i> to <i>SAG-5 (Suburban Agricultural)</i> . The total acreage involved is approximately 10 acres.
<b>STAFF REPORT</b> <b>6:03 PM</b>	Rachel Ezell reviewed staff report FZC-19-11 for the board.
<b>BOARD</b>	None

## **QUESTIONS**

**6:05 PM**

### **APPLICANT PRESENTATION**

**6:06 PM**

Nathan Lucke with 406 Engineering, 905 South Main Street, represented the applicants. He was in agreement with staff report and findings. He did note that there were already parcel zoned SAG-5 in the area. The client had also reached out to others in the area to get more people to be party to the zone change.

### **BOARD QUESTIONS**

**6:07 PM**

Sirucek asked what the purpose of the zone change request was. Lucke clarified the intent was for a family transfer or a minor subdivision.

### **AGENCY COMMENTS**

**6:07 PM**

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

### **PUBLIC COMMENT**

**6:08 PM**

John Kibler, 97 Autumn Glory Way, spoke in opposition of the zone change. He was concerned about having an additional house with a family creating additional noise and dust. He was concerned they would lose the rural feeling of the area with additional development and was concerned it would feel more like a subdivision. There had been an increase of roosters with the current development and issues with loose dogs. He was also concerned about the property value and appeal decreasing, and ground water being more depleted with the addition of more homes.

### **APPLICANT REBUTTAL**

**6:11 PM**

None

### **STAFF REBUTTAL**

**6:12 PM**

None

### **MAIN MOTION TO ADOPT F.O.F. (FZC-19-11)**

**6:12 PM**

Sirucek made a motion, seconded by Stevens, to adopt staff FZC-19-11 as findings of fact.

### **BOARD DISCUSSION**

**6:12 PM**

Sirucek asked Kibler if his land was 5 acres and zoned as SAG-10, therefore being a non-conforming lot as far as zoning was concerned. Kibler said that he was not aware it was zoned SAG-10. Sirucek asked if it was the same size lot as the applicant requesting the zone change. He replied yes.

**ROLL CALL TO  
ADOPT F.O.F.  
(FZC-19-11)  
6:13 PM**

Motion was passed unanimously on a roll call vote.

**MAIN MOTION  
TO  
RECOMMEND  
APPROVAL  
(FZC-19-11)  
6:13 PM**

Stevens made a motion, seconded by Adams, to recommend approval of FZC-19-11 to the Board of County Commissioners.

**BOARD  
DISCUSSION  
6:14 PM**

Nogal expressed frustration with the creeping of SAG-5 parcels that were taking away the 10 acre parcels and therefore starts to eat away from the rural nature in the area. She had strong feelings about it and said that somewhere along the line if someone bought a 10 acre parcel, it should remain that way.

Larsen addressed the concern of ground water and the impact future development would have. He said if the property was split, it would have to go through DEQ review and DNRC for water quantity. It was a rigorous process. Those concerns would be thoroughly addressed if and when it did get split. A zone change did not guarantee that it would get split, only that it was a possibility.

He also pointed out that not only was it directly adjacent to a SAG-5 but there were also multiple parcels in the area that were 5 acres as well. This was also what Sirucek was alluding to. Larsen felt that it fit well in to the area.

**ROLL CALL TO  
RECOMMEND  
APPROVAL  
(FZC-19-11)  
6:16 PM**

The motion passed on a roll 6-1 roll call vote. Nogal dissented.

**PISK  
ZONE CHANGE  
(FZC-19-12)  
6:17 PM**

A zone change request from Charles A. & Jeannette M. Pisk for properties in the Highway 93 North Zoning District. The proposal would change the zoning on property located at 532 Prairie View Road near Kalispell, MT from SAG-5 (Suburban Agricultural) and AG-40 (Agricultural) to R-2.5 (Rural Residential). The total acreage involved in the request is approximately 30.73 acres.

**STAFF REPORT  
6:17 PM**

Donna Valade reviewed staff report FZC-19-12 for the board.

**BOARD  
QUESTIONS  
6:19 PM**

Stevens asked for an update on the Riverdale LUAC and if the zone change fit in to the Riverdale Neighborhood Plan. Valade said they had voted to recommend approval of the zone change.

Sirucek asked for more specifics about the road being gravel vs. paved. Valade pointed out on the screen which part of the road was paved and what was gravel.

**APPLICANT  
PRESENTATION  
6:21 PM**

Chuck Pisk, 532 Prairie View Dr., was the applicant and said he was in agreement with the staff report and findings. He was available for questions.

**BOARD  
QUESTIONS  
6:22 PM**

None

**AGENCY  
COMMENTS  
6:22 PM**

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

**PUBLIC  
COMMENT  
6:23 PM**

Shane Schoenthal, 473 Church Drive, lived across the street from the subject property. He was in opposition of the zone change. He chosen to live there as single dad who wanted to raise his son in a rural environment. He was concerned that he was going to lose the feel of that rural environment.

**APPLICANT  
REBUTTAL  
6:27 PM**

None

**STAFF  
REBUTTAL  
6:27 PM**

None

**BOARD  
QUESTIONS  
6:27 PM**

Schlegel asked Schoenthal to locate his property on the map and he did so.

**MAIN MOTION  
TO ADOPT F.O.F.  
(FZC-19-12)  
6:28 PM**

Sirucek made a motion, seconded by Nogal, to adopt staff FZC-19-12 as findings of fact.

**BOARD  
DISCUSSION  
6:28 PM**

The reason why Stevens had asked Valade about the Riverside LUAC vote was because there had been a tremendous amount of effort by owners from that area to develop the Riverdale Growth Plan. There was a lot of community involvement. This zone changed seemed to follow the plan. He understood

the concern from the people living in that area but the growth policy had a property owner's bill of rights which allowed them to utilize their property in a way that would benefit them. He discussed tax revenue and how it would benefit agencies such as the school districts and fire departments. He did not particularly like growth or development but understood that there were some benefits to it. Those benefits allowed agencies to receive money and keep the tax burden down. Given the fact that the Riverside LUAC voted to recommend approval, and the City of Kalispell was right there, it made sense that there was pressure to develop the land and the property owner had a right to benefit his welfare and his family's welfare.

Schlegel asked Schoenthal how many acres he had and he replied just shy of 7. Schlegel said he understood what Schoenthal was going through but they had to honor the constitution and private property rights. He knew that Jeff Larsen [the technical assistant] tries to do the best that he can on stuff like this. He personally preferred to see the 5 acres instead of the 2.5 acres. He also acknowledged that the Riverdale LUAC had recommended approval as it seemed to fit in the growth plan. He was torn.

Nogal agreed that she was torn as well.

Sirucek said that it was hard for him. He pointed out there was quite a long reach along the river that the riparian zones had a significant buffer. [Some of the discussion was inaudible]. He agreed with Stevens and felt that it depended on the subdivision plan to create some type of buffer some of that riparian value. He hoped the engineer would take that in to consideration.

Schlegel asked if they had to have a buffer zone and Donna said in subdivision review the riparian area and floodplain would be taken in to account.

**ROLL CALL TO  
ADOPT F.O.F.  
(FZC-19-12)  
6:37 PM**

Motion was passed unanimously on a roll call 6-0 vote.

Larsen had stepped down for this portion of the hearing

**MAIN MOTION  
TO  
RECOMMEND  
APPROVAL  
(FZC-19-12)  
6:38 PM**

Schlegel made a motion, seconded by Adams, to recommend approval of FZC-19-12 to the Board of County Commissioners.

**BOARD  
DISCUSSION  
6:38 PM**

Nogal had questions for the staff regarding cluster housing. Valade explained cluster housing by definition in the regulations.

Adams understood Schoenthal's concerns. He said in a perfect utopia, 5 acre tracts would be ideal but another issue that arises with 5 acre lots is a weed problem. The density is not always ideal but is a more manageable size. He did not really see a problem with the zoning in that area.

**ROLL CALL TO  
RECOMMEND  
APPROVAL  
(FZC-19-12)  
6:40 PM**

The motion passed on a 5-1 roll call vote. Nogal dissented.

**BUSCH  
REVOCABLE  
TRUST #2  
ZONE CHANGE  
(FZC-19-13)  
6:41 PM**

A zone change request from Peter William Busch Revocable Trust #2 for properties in the Rural Whitefish Zoning District. The proposal would change the zoning on property located at 455 Blanchard Lake Drive near Whitefish, MT from SAG-10 (Suburban Agricultural) to R-2.5 (Rural Residential). The total acreage involved in the request is approximately 24.738 acres.

**STAFF REPORT  
6:42 PM**

Rachel Ezell reviewed staff report FZC-19-13 for the board.

**BOARD  
QUESTIONS  
6:45 PM**

Larsen asked staff to identify other R-2.5 tracts near the subject property.

**APPLICANT  
PRESENTATION  
6:46 PM**

Eric Mulcahy with Sands Survey, 2 Village Loop, represented the applicants. They concurred with the staff report and findings. He noted that the client owned the subject property as well as the adjacent property; a total of over 50 acres which partially was already zoned R-2.5. Ultimately, their goal was to develop 1 or 2 lots (at the most) near the south. That was the intent of this zone change. They had looked at the adjacent zoning and the city had R-2.5 adjacent to their property.

**BOARD  
QUESTIONS  
6:48 PM**

Sirucek asked why they had not requested a couple of R-2.5 lots and keep the rest as AG-10. He felt that it appeared somewhat disingenuous to say that they only wanted to have a couple of lots down there but wanted the whole thing zoned for smaller lots. He had a hard time reconciling that.

Mulcahy said the zoning regulations strongly discouraged split zoning a piece of land through a zone change. Sirucek asked if it would fit better with the intent of the land owners. Mulcahy agreed that it would but he would also be

running a foul on the zoning regulations. Mulcahy felt Sirucek brought up a good idea and that his clients would be fine with it but the zoning regulations discouraged that.

Stevens said that they could do it if they did the zone change and then went back and asked for another zone change. Schlegel pointed out it would be at additional cost.

Nogal asked Mulcahy to point out the current residence on the map.

**AGENCY  
COMMENTS  
6:51 PM**

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

**PUBLIC  
COMMENT  
6:51 PM**

None

**MAIN MOTION  
TO ADOPT F.O.F.  
(FZC-19-13)  
6:51 PM**

Stevens made a motion, seconded by Sirucek, to adopt staff FZC-19-13 as findings of fact.

**BOARD  
DISCUSSION  
6:52 PM**

None

**ROLL CALL TO  
ADOPT F.O.F.  
(FZC-19-13)  
6:52 PM**

Motion was passed unanimously on a roll call vote.

**MAIN MOTION  
TO  
RECOMMEND  
APPROVAL  
(FZC-19-13)  
6:52 PM**

Stevens made a motion, seconded by Schlegel, to recommend approval of FZC-19-13 to the Board of County Commissioners.

**BOARD  
DISCUSSION  
6:53 PM**

Stevens said the reason he had made the motion was because the property was adjacent to R-2.5 and it seemed it was a reasonable expansion. He addressed that the concern received regarding it being zoned WA-15 acre minimum and that this request was for an increase of 6 times the density from three years ago. Stevens knew this issue would return ever since the jurisdiction was given to the county by the courts. He said the City of Whitefish had held rural



land owners hostage for over 10 years in the donut area by not allowing anything to go on. That was the reason why there had been such an uproar over it. When the county gained jurisdiction, it had been changed. Stevens had always expected that when it changed, there would be some zone change application that would come in because of that. This application did not stand out to him as being out of the ordinary but seemed like it was a logical progression, given the growth in the Whitefish area of the R-2.5 zoning.

**ROLL CALL TO  
RECOMMEND  
APPROVAL  
(FZC-19-13)  
6:55 PM**

The motion passed unanimously on a roll call vote

**SAINT HERMAN  
SUBDIVISION  
(FPP-19-10)  
6:55 PM**

A request from the Saint Herman Orthodox Church and the Stimer Family Trust, with technical assistance from Meridian Land Surveying, Inc. for preliminary plat approval of Saint Herman Subdivision, a proposal to create two (2) lots-one residential lot and one lot to be used by the Saint Herman Orthodox Church on approximately 40.822 acres. The applicants are proposing individual wells and septic systems and primary access to the proposed church lot will be from Morning View Drive and access to the house will remain along North Hill Road. The property is located at 285 North Hill Road.

**STAFF REPORT  
6:56 PM**

Rachel Ezell reviewed staff report FPP-19-10 for the board.

**BOARD  
QUESTIONS  
7:00 PM**

Stevens wondered if there were any comments received by Fish Wildlife and Parks. Staff replied there was a letter received and they had indicated that they had no comment.

**APPLICANT  
PRESENTATION  
7:01 PM**

Shawn McFarland with Meridian Land Surveying, Inc., in Gallatin Gateway, represented the applicants. He did not have much to add to the application and felt it was straightforward as far as what they had laid out for the development. In regards to DEQ, it was considered a public system because there was more than 25 people that would use it on a consistent basis. The level of the review for the church and the public well and draining field was significantly higher. He said with a public well, you were required to drill ahead of time and then test it for 8-24 hours. He said on that note, there was a higher standard for public systems.

He acknowledged that there had recently been a number of concerns brought up regarding the traffic impact. He had only skimmed the comment and wanted to hear people voice their concerns so he could possibly address them.



**BOARD  
QUESTIONS  
7:02 PM**

Larsen asked if he had an opportunity to look over the comments received and he said he only had the opportunity to skim over them. He wanted to hear their concerns so he could address them. He wanted to fully understand their concerns before he addressed them.

**AGENCY  
COMMENTS  
7:03 PM**

There were no public agencies present to comment. The staff reviewed the written comments during the staff report presentation.

**PUBLIC  
COMMENT  
7:03 PM**

Danna James, 530 North Hill road, spoke in opposition of the application. She had a concern over traffic and felt the traffic study was out of date. She said that the website for the church said that they had over 100 congregants. She was concerned about the road being dangerous, especially during the winter time, and pedestrians use the road recreationally as well. She was concerned about losing the rural development. She was also concerned about the impact it would have on the elk population in the area. She also expressed frustration that she was not notified sooner about this development.

Sean Gaddis, 525 North Hill Road, spoke in opposition of the application. He was concerned with possible increase of traffic and said that traffic was already difficult.

Thomas and Charlene Payne, 316 Morning View Dr., spoke in opposition of the application. They were concerned about the rural nature of the area and the impact of a subdivision. He pointed out that the church was continuing to grow and that it would impact the area. He was concerned with increase in traffic and said it could be a 200% increase of traffic in the future. They had talked with MDOT regarding the nearby intersection, which was a concern for them as well. He was also concerned about the lighting, noise, and events. He wondered if the covenants had anything to address that. They were concerned that their house faced the church property and was concerned, with 4 services a week, there would be a lot of headlights flooding their property/house. She pointed out where their house was on the map and that it was close to the church and parking lot.

Pavel Smid, 679 North Hill Rd, spoke in opposition of the application. He was concerned about the traffic as well as the shape of the intersection and said many people did not know how to navigate through it.

Carl Brisendine, 308 Morning view Dr., spoke in opposition of the application. He had moved to that area for the rural setting. He was not against the church but was against the proposed location. He was concerned about the negative impact that it might have in the area. He has had to drop their well in the past and was concerned about the additional usage the church would have [on the aquifer]. He was also concern about light pollution. He was concerned about safety issues in the intersections and the pedestrian use. He felt it was already

unsafe. He felt that the roads in that area were not created to hold commercial traffic.

Thompson interjected and asked if there would be a different location for the church that would work on the property. McFarland answered that it might help some but overall would not work in the area.

John Roark, 245 Morning View Dr., spoke in opposition of the application. He used the map to reference where the traffic issues were currently. He was concerned for the safety and the implications of adding additional traffic would cause. He asked the board to look at the safety issues and what could be done.

Gary Franich, 50 Morning View Way, spoke in opposition of the application. His home was located directly across from the development. He currently used the ditch across the way for his snow removal. He was also concerned about the existing house that had been built on the parcel, which had been there for about 2 years and not yet finished [with the siding]. He was also concerned about the traffic.

Henry [*the rest was inaudible*], spoke in opposition of the application. He was concerned with the traffic already being dangerous and the impacts of adding additional traffic. He was also concerned about the environmental impacts it would have on the elk that inhabited the area. He felt that a church should be closer to town and not in a rural area.

Jorg Cappel, 600 North Hill Rd, spoke in opposition of the application. He was in agreement with what had been shared previously.

Patty Fleming, 500 North Hill Road, spoke in opposition of the application. She had gone through the environmental assessment and discussed in great details the logistics of the previous traffic counts in the subject area and its surroundings. These counts were done 7 years ago and there has continued to be an increase in traffic. She said if the church would be adding 75 to 300 cars a day on to [Morning View], it would not be able to handle it. The ditches were deep. It was narrow. It was windy. There were hills. Her concern was the impact on the road and, with future growth, they needed to figure out how they can allow people to develop but also help improve the infrastructure of the roadways. She said it should be up to the tax payers later on down the years.

Larry Hartmann, 43 West view Drive, spoke in opposition of the application. He owned the property just to the east. He currently did not live there but intended to in the next couple of years. The property line was just on top of the hill and he said there was no visibility either way. He had talked with MDOT. He was concerned with traffic safety as the people leave the parking

lot and there being blind spots to oncoming traffic. He was also concerned for the light pollution.

Darla Best, 200 Badger Lane, spoke in opposition of the application. She had just returned to the area and wanted to live there due to the rural community. She was in agreement with the concerns previously shared. She was concerned about the traffic and the dangerous situation it already presented. She also said that the snow drifts were very dangerous.

**APPLICANT  
REBUTTAL  
7:33 PM**

McFarland addressed the concern of water and wells. He said that would be addressed by the strict regulations of DEQ.

McFarland did not doubt that elk traveled through that location but pointed out that they had not received any comments by Fish, Wildlife, and Parks Department concerning the elk. He said density was not such that it would stop the elk from going through.

He said the congregation did meet 4 times a week. He had personal experience with the services and the practices of the church as he attended Saint Anthony's Orthodox Church [in Bozeman]. He also lived on Saint Anthony's property as a residence where he kept traffic count data for them as well as water usage data. He shared some of that data with the board and said that Saint Anthony's was projected to be larger than this proposed church. He said he would be willing to provide hard data.

He understood the concern of keeping the rural feel and said that the churches that they built were rural churches.

He addressed the concern of traffic that had been brought up this evening. He understood the concern and said that [the church] talked about safety of the roads just as much as the public. He said that his personal parish goes beyond the requirements to try to keep things safe. He knew the traffic counts given were outdated. Most of the counts are significantly different on Sunday vs. Monday thru Friday and agreed it was a concern. What he proposed was that they should do a traffic count on Saturday and Sunday and get real data that was not outdated. The numbers in the report were from the IT manual. There were not many traffic reports for Saturday and Sunday and were not consistent. He proposed that they would do a traffic count when services were going to happen. They would do a count here for current traffic and a count of a different parish to get a feel for a like situation and to get real data.

He also proposed that an engineer study to make sure that they had property sight difference for the speed limit out there. Another option was that they could remove an access and keep the access that lined up with the current public road, giving a 4-way intersection with the road. That would keep the headlights from shining in to people's houses when they come up to the road.

Father Daniel of Saint Herman Orthodox Church was the pastor of Saint Hermon church. He was also the residence of the house on the property. He apologized for the siding not being finished and explained that he was building the house himself, with his own hands, without the help of the bank, on a pastor's salary and said he wanted it sided and completed just as much as anybody else. He then addressed some of the concerns brought up in the evening and said he wanted to keep the church small. They hoped to get to 180 parishioners, which included children, but said that attendance was always around 50%. There is rarely over 50% attendance and that usually happens twice a year; on Easter and Christmas. In reality, it would always be less than 90 congregants. He came from a family that helped build rural churches that were loved by the rural community. He had a heart for rural churches. He felt that congregants might move to the area because they want to live near the church in which they attend. He understood the concerns brought up. He said the traffic was already crazy and he knew this first hand by living there. It was already a problem. He felt adding 30-40 vehicles on a Sunday would not impact that area. This property was his wife's inheritance and they intended to maintain the rural setting of the property. The reality was that there was other developments going on in the area. This was not ever going to be a subdivision and he voiced that in itself should matter with the fact that there is so much other development going on in the area. They were talking about a small rural church. They have taken that in to consideration in the design of the church. He said that they cared about maintaining a technology free area; they used candle and oil light and acoustics in their services. He did not feel like it would detract from the rural community. He said that it was honestly a bit of a sacrifice for he and his wife because they loved their 40 acres but they also believed in the project of Saint Hermans. He said Sunday service was the most important service of the week. The other services were minimally attended; maybe at most an additional 12 cars during the week.

**STAFF  
REBUTTAL  
7:54 PM**

None

**BOARD BREAK  
7:55 PM**

**BOARD  
DISCUSSION  
7:59 PM**

Stevens asked who the applicants were and Father Daniels said it was his in-laws that owned the whole parcel and wanted to donate the 5 acre parcel. Stevens brought up they could just build the church without splitting the land because it was unzoned. They wanted to transfer ownership to the church and that was why it was going through subdivision review.

Stevens asked the engineer if the accesses had an approach permit yet. The engineer said he did not but his proposal was based on him surveying the area.

Stevens asked what he had come up for sight distances and McFarland said he hadn't calculated it at this point. He decided that they were going to start with the proposed access and if there was more concern, they would address it at that time. Stevens felt that, based on the public testimony this evening, he may have some issues with sight distances to the approaches. Stevens said the county would have the final say as to what would be permissible.

Larsen asked what Fleming had to share in addition to her testimony. She added that there would be additional traffic increase due to the round-about that the state was installing at West Spring Creek.

Sirucek asked McFarland about the light pollution or using sky friendly lighting. He said he would not have a problem with an added condition for down lighting and/or sky friendly lighting.

Adams asked Father Daniels about the attendance and traffic. Father Daniels said that realistically there may be about 30 cars on average, considering that people came with family.

**MAIN MOTION  
TO ADOPT F.O.F.  
(FPP-19-10)  
8:05 PM**

Stevens made a motion, seconded by Nogal, to adopt staff FPP-19-10 as findings of fact.

**BOARD  
DISCUSSION  
8:06 PM**

Larsen was concerned about the traffic situation. He had driven that road and the intersection was an issue. There were already high amounts of traffic on a weekday. What it boiled down to him for him was if they could mitigate the traffic impact with a condition. He was in favor of having the church but he also did not want to see someone get killed because of the increase of traffic. The traffic of churches come all at once [i.e. Sunday services]. He said that stretch of Highway 2 was a dangerous road. It was tough to accept finding #4 as it was written.

Stevens had made the motion to accept the finding of facts but that did not mean that he was going to accept it because he found finding #4 as problematic. He said there were three things that underpinned the land use regulations. Health and Safety were the two that he looked at. It did not appear to him, given the fact that DEQ would be involved, there were any health issues but his concern was for safety. He was concerned about condition #4. He said county roads were dangerous for people to use for recreational purposes (i.e. horseback riding, biking, even walking) instead of transportation uses. That comes with an increase of population and technology (as people are distracted by their devices). He was concerned about the safety issue of the intersection.

Sirucek said he was disappointed that the Road and Bridge Department did not



comment and said if somebody from that department had gone out to look at it, they would have commented. Because of the safety issue, he felt the subdivision was not right. He felt like some analysis and options needed to be put together for this subdivision. He referenced previous subdivisions where MDOT had been reached out to and they responded that there hadn't been enough accidents to take action. He stated that the people in the room were smart enough to know that it would get worse under this situation. He felt that the County Road and Bridge Department had not done their due-diligence. He was upset about it and wanted that information forwarded to the County. He was upset about it.

Schlegel said he was in agreement with what the board had shared and he was struggling. He said Fleming, who used to work for the County, would have said something when she worked there. He had worked with her for years and said she was a great resource. He knew the intersection and the dangers it presented. It bottlenecked in to one spot and was horrible. He said Sirucek was right and that The County and the Montana Highway Department needed to address the issue. The other thing that he looked at was that this could have a huge subdivision that would really destroy that piece of property and it was just a little church. There was also a traffic problem that went with it. It was a safety issue "as we speak."

Larsen said it was a difficult situation. The idea of a church was such a great thing for the community but they had this safety issue. It was one of the worst intersections of the highway, within the county, that he knew of. That was where the problem came down to. He said the application was wonderful and they could have just built the church and then come to ask for a subdivision. Some people would have probably done that but they came with it upfront. That was what put him in a difficult position but he had to look at the safety issue and he didn't know if he could overlook that with the data they had.

Schlegel said he didn't think they had clear enough data to do it.

They discussed how they should proceed with the findings of facts. They discussed the details and what should be amended. Sirucek said that he had a problem with the wording "acceptable conditions". They discussed specific wording that might be more acceptable.

**MOTION TO  
AMEND  
CONDITION #4  
8:23 PM**

Stevens motioned, seconded by Sirucek, to amend Finding of Fact #4 to state the following:

**Finding #4** – Although impacts on area roads would increase as a result of the additional church lot, this would appear to be acceptable with conditions because the primary access road to Lot 2 would be Morning Glory Drive which is a paved, County road within a 60 foot easement and a completed approach permit will be required by final plat. *There are no acceptable conditions which would alleviate the safety problem*

*at the intersection of Morning View, Highway 2, and West Valley.*

**BOARD  
DISCUSSION  
8:23 PM**

None

**ROLL CALL TO  
AMEND  
CONDITION #4  
8:23 PM**

Motion was passed unanimously on a roll call vote.

**ROLL CALL TO  
ADOPT F.O.F. AS  
AMENDED  
(FPP-19-10)  
8:23 PM**

Motion was passed unanimously on a roll call vote.

**MAIN MOTION  
TO  
RECOMMEND  
DENIAL  
(FPP-19-10)  
8:24 PM**

Stevens made a motion, seconded by Sirucek, to recommend denial of FPP-19-10 to the Board of County Commissioners.

**BOARD  
DISCUSSION  
8:24 PM**

Schlegel asked staff if they denied the application, would it die with this hearing. Mussman responded that The Commissioners would have final say. Schlegel asked if, at this point, could they take a “time out” and table it so that things could be readjusted instead of giving a recommendation of denial. Mussman said they could and it had been done before. Mussman reminded them that the technical representative offered to submit additional information and data. They would have to review, how this particular project, would impact the traffic situation. It could be something that could help alleviate the traffic concern, at least regarding Sundays. Mussman said the intersection sounded dangerous.

Schlegel wondered if they tabled it, if it would give time for everyone in the room to come together and come up with some solution rather than sending a no recommendation.

The board discussed further protocol if they were to table the matter.

Larsen said the problem that he saw was the configuration of the intersection and he wasn’t sure if a traffic count was going to solve the problem. Mussman said it sounded like it was an area safety issue that has occurred. With every approved subdivision, past and present, it was already a concern. He asked at



what point and time are you going to say “no more subdivisions.” Mussman said if they tabled it, they could look to see if something could be added as a condition to help mitigate some of the safety concerns regarding this particular application. He said it would be easier for it to be tabled, to give the applicant’s time to gather more information.

Larsen felt the fairest thing to do is to allow them to submit the additional information. It did not mean that he would be satisfied with it but it would give them the best shot with the County Commissioners by submitting the most amount of information possible on the record.

He asked the applicants if they would like to table the file so that they could provide more information on the traffic issue. McFarland said they would like to table it and would notify [Planning and Zoning] when they were ready to be heard again with the additional information.

Larsen felt that it was the best thing to do.

McFarland asked, in regards to gathering more information, there were concerns about the state of the intersection now so in their opinions, would data help the board. Larsen said that it might help. It depended. Typically you would see level of ratings service on intersections and a traffic impact study would indicate the level of service and if it stayed at that. It would also provide the crash history. He felt that the in depth information would be beneficial; although it did not mean that they were going to vote for it. They needed to decide whether they wanted to put forth that amount of effort. The board was concerned over the traffic history.

Sirucek recommended that they reengage the County Road Department. In his mind, they needed to address the current amount of use and potential traffic impact with the proposed development. They also needed to address whether that intersection was on the radar for some type of mechanical change or redesign in the future. Sirucek felt the Road Department did not engage at all and those questions had not been answered. He wondered if they would find if there was enough additional accumulative effect there that something would change or some other things in the works that this might cause a change to happen. He felt like it would be good to know.

Larsen suggested a few traffic engineers that they could consult with to get advice. He felt that a traffic engineer saying that it wasn’t going to change the level of service was really the only way that [Larsen] could get to the point where he could change his mind. It was a dangerous spot.

Larsen said that they could forward it to The Commissioners but he believed it was going to be with a negative recommendation. The Planning Board is able to facilitate more information because they held the public hearing. It is

harder to present more information after the Planning Board made their recommendation. It was ultimately up to the applicants whether they wanted to table it or not.

Father Daniels said that he felt it should be tabled. He had the same concerns and said the more information the better. Larsen confirmed that they wanted to table it until further notice.

**WITHDRAW  
MAIN MOTION  
TO  
RECOMMEND  
DENIAL  
(FPP-19-10)  
8:36 PM**

Stevens withdrew his motion, Sirucek withdrew the second, to recommend denial of FPP-19-10 to the Board of County Commissioners.

**MOTION TO  
TABLE  
(FPP-19-10)  
8:36 PM**

Schlegel motion, seconded by Sirucek, to table FPP-19-10 until further notice from the applicant.

**ROLL CALL TO  
TABLE  
(FPP-19-10)  
8:37 PM**

The motion passed unanimously on a roll call vote

**BOARD  
DISCUSSION (TO  
PUBLIC)**

Larsen said that he appreciated all the input from everybody at the meeting and the nice job from the applicants. He wanted to make that clear to everyone. It was a very difficult situation that they had to deal with.

Adams encouraged everyone who lived in that area to get together and work together to contact MDOT and Flathead County Road and Bridge Dept. to try to make an issue of it because it had already been an issue for a long time. It wasn't going to become an issue by putting a church in, it was already an issue. If people got together and made some noise. Schlegel said that this could help the whole neighborhood; if they got together calmly, discussed it, and join forces to take it to the county.

**OLD BUSINESS  
8:38 PM**

None

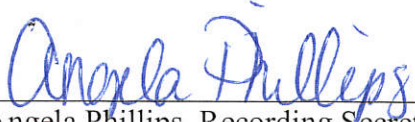
**NEW BUSINESS  
8:38 PM**

They quickly discussed next month's docket.

**ADJOURNMENT  
8:40 PM**

The meeting was adjourned on a motion by Nogal and Sirucek at approximately 8:40 p.m. The next meeting will be held September 11, 2019.

  
Jeff Larsen, Chairman

  
Angela Phillips, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 9/12/19